

Wetlands Bureau Decision Report

Decisions Taken
03/13/2006 to 03/19/2006

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Brian Fowler, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2002-00746 UNIVERSITY OF NEW HAMPSHIRE, FACILITIES DESIGN & C NEW CASTLE Piscataqua River

Requested Action:

Remove existing 500-foot long concrete pier and associated approach trestle together with the stone-filled timber crib under-structure and replace with a new 325-foot pier having a 28-foot wide concrete deck supported on 14 steel pile bents connected to the shore by an angled approach trestle. Additionally, an 8 ft.x 350 ft. floating dock will be attached to the pier's south side and a concrete-panel wave screen will be installed along the north side of the pier as well as other appurtenant structures including a 4 ft.x 80 ft. gangway, a 12 ft.x 35 ft. floating breakwater and under-pier space utilization for aquaculture activities. This pier will create a central berthing location for the UNH Marine Program fleet, a new NOAA-funded SWATH (small waterplane area twin hull) ocean mapping vessel and visiting research vessels at Fort Point, New Castle on 940 feet of shoreline frontage along the Piscataqua River.

Conservation Commission/Staff Comments:

No written comments received from the New Castle Conservation Commission.

Inspection Date: 03/10/2006 by Frank D Richardson

APPROVE PERMIT:

Send to Governor and Council
for Recommendation to Approve

Remove existing 500-foot long concrete pier and associated approach trestle together with the stone-filled timber crib under-structure and replace with a new 325-foot pier having a 28-foot wide concrete deck supported on 14 steel pile bents connected to the shore by an angled approach trestle. Additionally, an 8 ft.x 350 ft. floating dock will be attached to the pier's south side and a concrete-panel wave screen will be installed along the north side of the pier as well as other appurtenant structures including a 4 ft.x 80 ft. gangway, a 12 ft.x 35 ft. floating breakwater and under-pier space utilization for aquaculture activities. This pier will create a central berthing location for the UNH Marine Program fleet, a new NOAA-funded SWATH (small waterplane area twin hull) ocean mapping vessel and visiting research vessels at Fort Point, New Castle on 940 feet of shoreline frontage along the Piscataqua River.

With Conditions:

1. All work shall be in accordance with revised plans by Appledore Marine Engineering, Inc. dated March 25, 2004, as received by the Department on March 25, 2004 and further revisions dated February 1, 2006 as received by the DES Wetlands Bureau on February 03, 2006.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. NH DES Wetlands Bureau Coastal staff shall be notified in writing prior to commencement of work and upon its completion.
4. All demolition materials, including the stone ballast from the wooden crib-work, shall be disposed of outside of the jurisdiction of the DES Wetlands Bureau.
5. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during demolition and construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. A well defined drainage and erosion control plan for all shoreside construction shall be used to prevent any erosion or runoff of unstabilized material resulting from the project.
8. Shoreside runoff will be temporarily diverted for treatment to prevent any water quality degradation.
9. The contractor shall ensure that project will be done in a manner that will minimize the impacts to adjacent fisheries habitats.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a)&(b).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on March 10, 2006. Field inspection determined the new pier represents a significant reduction in size and area over state waters. In addition, the safe berthing of research vessels and safety of those persons working on aquaculture projects at this facility is much improved by the new design/ engineering.
6. The New Hampshire Department of Fish & Game has reviewed this project proposal and reports that: "...the...Department is satisfied the EFH [essential fish habitat] Assessment Report adequately covers the requirements of Section 305 (b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act."
7. The New Hampshire Division of Historical Resources State Historic Preservation Officer has reviewed the project and has "...determined the undertaking, as proposed, will be conducted in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68)...As a result, the proposed work will have "No Adverse Effect", pursuant to 37 CFR Part 800.5."
8. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this estuarine ecosystem.

-Send to Governor and Executive Council-

2003-02516 PELHAM FISH & GAME CLUB INC
PELHAM Unnamed Wetland

Requested Action:

Amend permit to retain an additional 22,980 square feet of fill placed in wetlands for construction of an access road within the shooting range facility.

Inspection Date: 07/18/2003 by Frank D Richardson

APPROVE AMENDMENT:

Dredge and fill a total of 39,649.5 sq. ft. of palustrine forested/ scrub-shrub wetlands of which 20,080.7 sq. ft. are permanent impacts for site work associated with the construction of a 600 yd. shooting range stationed with firing berms; and retain an additional 22,980 square feet of fill placed in wetlands for construction of an access road within the shooting range facility. The remaining 19,568.8 sq. ft. of cleared and stumped wetlands will be seeded and/or planted and combined with other created wetlands on site for a total of 72,435 sq. ft. of compensatory wetlands mitigation.

With Conditions:

1. All work shall be in accordance with plans and narrative by Schauer Environmental Consultants, LLC dated 02-11-04, as received by the Department on February 17, 2004, and per amended plans dated 7/26/2005, as received by the Department on 3/2/2006.

Original Conditions:

2. This permit is contingent on approval by the DES Site Specific Program.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. At least 48 hours prior to the start of the compensatory mitigation wetlands construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, the professional engineer(s) and/or

wetlands scientist(s) involved, and the contractor(s) responsible for performing the work.

5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. Silt fencing must be removed once the area is stabilized.
10. Proper headwalls shall be constructed within seven days of culvert installation.

COMPENSATORY WETLANDS MITIGATION

Wetland construction:

1. This permit is contingent upon the creation of 72,435 sq. ft. of wetlands in accordance with plans and narrative by Schauer Environmental Consultants, LLC received by the Department on February 17, 2004.
2. This permit shall not be effective until it has been recorded with the Hillsborough County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. The compensatory wetlands mitigation creation will provide for 72,435 sq. ft. of palustrine scrub-shrub and emergent wetlands.
4. The scrub-shrub and emergent wetlands shall be maintained with the plants being allowed to grow to the size specifications noted on the 'Planting and Grading Plan' prepared by Schauer Environmental Consultants, LLC, dated 02-11-04 as received by the Department on February 17, 2004.
5. Exceptional care shall be taken to protect the vernal pool located on the site by providing plantings of native vegetation to assure erosion/siltation control and a buffer from human activities at the site.
6. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
7. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
8. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands impacted by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
9. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
10. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
11. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
12. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
13. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
14. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
15. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
16. A post-construction report documenting the status of the completed project with photographs shall be submitted to the

Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. In 1998 the Pelham Fish and Game Club widened an existing gravel road as seen in aerial photos dating back to 1940s) to improve access to a portion of their property.
2. The restoration plans have been amended to reflect the Town's request to impact only the north side of the roadway.
3. On June 16, 2004 DES inspected the property and documented impacts from the project.
4. On April 20, 2005 DES reinspected the property and reviewed the outstanding wetlands issues for the project.
5. The items requested by DES were addressed in the consultant's October 1, 2005 submission.

2004-00447 PAGES MEADOW LLC
HAMPTON Drakes River Saltmarsh

Requested Action:

Approve name change to: Page's Meadow LLC, PO Box 119, Hampton NH 03843 per request received on 3/6/06 to dredge and fill a total of 34,700 sq. ft. of palustrine wet meadow (currently in agricultural use as a hayfield) to construct two 24-unit condominium buildings with parking and appurtenant drainage structures and including boardwalk sections and two observation platforms for a nature trail on this 25.50 acre parcel of land of which 22.25 acres (87% of the parcel) will be preserved, in perpetuity, as a conservation easement.

Conservation Commission/Staff Comments:

con com intervened until 4/30/2004.

Follow-up report from the Hampton Conservation Commission states: "The Conservation Commission does not oppose the granting of a wetlands permit for [this project]." Their comments include stipulations agreed to by the applicant.

Inspection Date: 04/23/2004 by Frank D Richardson

APPROVE NAME CHANGE:

Dredge and fill a total of 34,700 sq. ft. of palustrine wet meadow (currently in agricultural use as a hayfield) to construct two 24-unit condominium buildings with parking and appurtenant drainage structures and including boardwalk sections and two observation platforms for a nature trail on this 25.50 acre parcel of land of which 22.25 acres (87% of the parcel) will be preserved, in perpetuity, as a conservation easement.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers, Inc. dated 1/27/03 (last revised 9/17/04), as received by the Department on October 27, 2004.
2. Record approved plan with conservation easement for each appropriate lot within 30 days from receipt of this decision and submit a certified receipt from the Rockingham County Registry of Deeds to the DES Wetlands Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for other construction activities.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
7. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
8. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
9. NH DES Coastal Region staff shall be notified in writing prior to commencement of work and upon its completion.

LAND RESOURCES PRESERVATION (COMPENSATORY MITIGATION):

1. This permit is contingent upon the execution of a conservation easement on 22.25 acres as depicted on plans received October 27, 2004 and per Draft Conservation Easement Deed received November 23, 2004.
2. The conservation easements to be placed on the preservation areas shall be written to run with the land, and both existing and future property owners shall be subject to this easement.
3. The plan noting the conservation easement with a copy of the final easement language shall be recorded with the Registry of Deeds Office for each appropriate lot. A copy of the recording from the Rockingham County Registry of Deeds Office shall be submitted to the DES Wetlands Bureau prior to the start of construction.
4. The applicant shall prepare a report summarizing existing conditions within the conservation area. Said report shall contain photographic documentation of the easement area, and shall be submitted to the DES and the grantee prior to construction to serve as a baseline for future monitoring of the easement area.
5. The conservation easement area shall be surveyed by a licensed surveyor, and marked by monuments prior to construction.
6. The Wetlands Bureau Coastal Region staff shall be notified of the placement of the easement monuments to coordinate on-site review of their location prior to construction.
7. There shall be no removal of the existing vegetative undergrowth within the easement area and the placement of fill, construction of structures, and storage of vehicles or hazardous materials is prohibited.
8. Activities in contravention of the conservation easement shall be construed as a violation of RSA 482-A, and those activities shall be subject to the enforcement powers of the Department of Environmental Services (including remediation and fines).

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c) to: Dredge and fill a total of 34,700 sq. ft. of palustrine wet meadow (currently in agricultural use as a hayfield) to construct two 24-unit condominium buildings with parking and appurtenant drainage structures and including boardwalk sections and two observation platforms for a nature trail on this 25.50 acre parcel of land of which 22.25 acres (87% of the parcel) will be preserved, in perpetuity, as a conservation easement.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Coastal Region Staff conducted a field inspection of the proposed project on April 23, 2004. Field inspection determined the value of the 22.25 acre uplands/wetlands complex surrounding the Drakes River/Taylor River salt marsh ecosystem, which is to be placed, in perpetuity, in a conservation easement, outweighs the impacts to the freshwater wetlands for the two building units to be located along Drakeside Road.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of this wetland ecosystem and the conservation easement provides compensatory mitigation for the wetlands impacts.

2004-02195 NH DEPT OF TRANSPORTATION
NEWINGTON Piscataqua River

Requested Action:

Request for second permit amendment to include an additional 625 sq. ft. of temporary impacts for a temporary access across an emergent wetland to relocate fill as required per DES Waste Management Division.

Conservation Commission/Staff Comments:

no comments received

Inspection Date: 10/07/2003 by Gino E Infascelli

Inspection Date: 08/05/2004 by Gino E Infascelli

APPROVE AMENDMENT:

Reconstruct and improve the Spaulding Turnpike (exits 4 and 4N), Shattuck Way and Nimble Hill Rd. as an interim safety improvement project, relocate a portion of the high-pressure gas transition line and construct a temporary access across an emergent wetland to relocate fill impacting 90,263 sq. ft. of the Tidal Buffer Zone and estuarine, palustrine, and riverine wetlands (31,865 sq. ft. temporary). NHDOT project #11238-C.

With Conditions:

1. All work shall be in accordance with:

a. Plans by NHDOT Bureau of Highway Design dated 5/12/04, 5/25/04 and 6/07/04, as received by the Department on September 10, 2004 and per amended sheet 4 of 10 and sheet X of 10 titled "clear-median", both dated 02/02/2005 and received on February 23, 2005.

b. Plans by Northern Ecological Assoc., Inc. dated 4/5/05 and the Wetland Impact Plan summary dated 4/28/05, both as received by the Department on April 29, 2005.

c. Plans by NHDOT dated 3/13/06 as received by the Department on March 13, 2006.

2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.

3. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.

4. Unconfined work within the stream, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

5. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.

6. Temporary cofferdams shall be entirely removed immediately following construction.

7. Construction equipment shall not be located within surface waters.

8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.

10. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.

13. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

14. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.

15. There shall be no further alteration to wetlands or surface waters without amendment of this permit.

16. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.

17. Mitigation for this project shall be provided in the future as part of the anticipated improvements for the NHDOT project #11238.

18. Closed drainage systems, installed as part of the project to collect stormwater runoff, will be designed to provide treatment prior to discharging into Little Bay.

19. Orange construction fencing shall be placed at the limits of clearing for impact areas III, JJJ and KKK (amendment #1 received 2/23/05) after the edge of wetlands have been clearly flagged and prior to construction to prevent accidental encroachment on wetlands.

ADDED:

20. An AMENDED Erosion Control Plan shall be submitted to the file for the area in and adjacent to the second amendment prior

to construction.

21. Orange construction fencing shall be placed at the limits of fill at areas within 20 ft. of a wetland for impacts related to the second amendment received 3/13/06 after the edge of wetlands have been clearly flagged and prior to construction to prevent accidental encroachment on wetlands.

With Findings:

1. The relocation of fill material is required per DES Waste Management Division letter of February 23, 2006.
2. The 625 sq. ft. of impact for the amendment is temporary.
3. The NHDOT had verbal contact with the Conservation Commission and indicates no issues with the temporary fill.
4. Compliance with the added conditions on the permit will avoid unintended impacts.

2004-02393 HAMPSHIRE VENTURES INC.
MANCHESTER Merrimack River

Requested Action:

Amend permit by increasing the dock width from 3 ft wide to 4 ft wide and lengthen the walkway along shore from 104 ft to 105 ft.

Conservation Commission/Staff Comments:

No Com Com comments by Dec 9, 2004

Inspection Date: 12/09/2004 by Dale R Keirstead

APPROVE AMENDMENT:

Amend permit to read: Construct five 4 ft by 20 ft seasonal docks connected to a 6 ft by 105 ft seasonal walkway accessed by 6 ft stairs over the bank on average of 670 ft of frontage on the Merrimack River in Manchester.

With Conditions:

1. All work shall be in accordance with plans by Keach-Nodstrom Associates Inc. dated September, 2004, revision date February 6, 2006, as received by the Department on February 16, 2006.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Work shall be done during low flow.
4. There shall be no trees removed for the installation of the concrete anchors or the access stairs.
5. The access stairs shall be constructed over the bank, this permit does not allow for bank impacts for the installation of the stairs.
6. Dredged material and construction debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
8. Seasonal piers shall be removed from the water for the non-boating season.
9. No portion of the docking structure shall extend more than 26 feet from the shoreline.
10. The concrete anchors shall be located a minimum of 3 ft shoreward of elevation 175 feet.
11. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
12. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 670 feet of frontage along the Merrimack River.
3. A maximum of 9 slips may be permitted on this frontage per Rule Wt 402.14, Frontage Over 75'.
4. The proposed docking facility will provide 9 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.14.
5. Public hearing is waived based on field inspection, by NH DES staff, on December 9, 2004, with the finding that the project impacts will not significantly impair the resources of the Merrimack River.
6. The applicant has sufficiently addressed the concerns of NH Fish and Game for the species of concern.

7. The amended plan does not add boatslips to the frontage.

-Send to Governor and Executive Council-

**2004-02467 GALLANT, FREDERICK
ALTON Lake Winnepesaukee**

Requested Action:

Remove a 4 ft x 31 ft seasonal pier and construct a 4 ft x 30 piling pier extending from an existing 22 ft x 32 ft, 2-slip boathouse, with attached 4 ft x 17 ft and 2.5 ft x 17 ft permanent docks, over public submerged lands with a residence and associated decking on the second floor, all located along 103 ft of frontage on Lake Winnepesaukee in Alton.

Conservation Commission/Staff Comments:

Abutter opposed project and Con. Com. recommends denial of project.

APPROVE PERMIT:

Remove a 4 ft x 31 ft seasonal pier and construct a 4 ft x 30 piling pier extending from an existing 22 ft x 32 ft, 2-slip boathouse, with attached 4 ft x 17 ft and 2.5 ft x 17 ft permanent docks, over public submerged lands with a residence and associated decking on the second floor, all located along 103 ft of frontage on Lake Winnepesaukee in Alton.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction as revised November 29/30, 2004 and received by the Department on November 17, 2004.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
4. Pilings shall be spaced a minimum of 12 ft apart as measured center to center.
5. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from the abutting property lines or the imaginary extension of those lines into the water.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major impact project per Rule Wt 303.02(d), construction or modification of a docking facility providing 5 or more slips.
2. The applicant has an average of 103 feet of frontage along Lake Winnepesaukee.
3. A maximum of 2 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 5 or more slips as defined per RSA 482-A:2, VIII.
5. Rule Wt 402.05, Permanent Piers, is waived in accordance with Rule Part Wt 204, Waivers, as requested by the Applicant in a letter received by DES on February 27, 2006.

-Send to Governor and Executive Council-

**2004-02838 HIGHFIELD COMMONS OF ROCHESTER LLC
ROCHESTER Unnamed Wetland**

Requested Action:

Fill 30,494 square feet of palustrine forested wetland for road construction, and temporarily impact 420 square feet of wetland for installation of a sewer line for phases I and II within a proposed cluster development. The project includes 126 apartments, 84 row houses, 140 single family and 22 single family age restricted homes, a bed and breakfast, health club, general store and daycare facility on a 220 acre parcel. Compensatory mitigation includes creation of 49,970 sq.ft. of poorly drained forested wetlands in two locations.

Conservation Commission/Staff Comments:

The conservation commission has no objections to the proposed project.

Inspection Date: 04/28/2005 by Jocelyn S Degler

APPROVE PERMIT:

Fill 30,494 square feet of palustrine forested wetland for road construction, and temporarily impact 420 square feet of wetland for installation of a sewer line for phases I and II within a proposed cluster development. The project includes 126 apartments, 84 row houses, 140 single family and 22 single family age restricted homes, a bed and breakfast, health club, general store and daycare facility on a 220 acre parcel. Compensatory mitigation includes creation of 49,970 sq.ft. of poorly drained forested wetlands in two locations.

With Conditions:

1. All work shall be in accordance with plans prepared by Robert Rook, PE dated received by the Department on February 10, 2005.
2. This approval is for phase I and II only. Any future work on this property, specifically south of Hussey Road, that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Site Specific Program.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback within permitted phases.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Strafford County Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Work shall be conducted during low water conditions.
9. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
10. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
11. The temporary impact area for installation of the sewer line shall be regraded to original contours following completion of work, seeded and stabilized for complete restoration.
12. Mulch within the restoration area shall be straw.
13. Roadway construction will include 2:1 side slopes in wetland crossing areas.
14. Proper headwalls shall be constructed within seven days of culvert installation.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Silt fencing must be removed once the area is stabilized.

19. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

Wetland Construction:

20. This permit is contingent upon the creation of two wetlands areas in accordance with plans received February 21, 2006. In the event that a conservation easement holder agrees to oversee the protection of the remainder of the property, the Wetlands Bureau shall review the proposal and consider an amendment to the permit.
21. This permit is contingent upon the creation of 49,970 sq. ft. of wetlands in two locations on the property.
22. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
23. The schedule for construction of the mitigation areas shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
24. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
25. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydrologic regime.
26. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
27. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
28. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
29. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
30. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.
31. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
32. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
33. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(c), projects that involve alteration of nontidal wetlands, nontidal surface waters, and banks adjacent to nontidal surface waters in excess of 20,000 square feet in the aggregate.
2. DES Wetland Bureau Staff conducted a site inspection on April 28, 2005. Site inspection concluded the wetlands on site are typical of the wetlands found in New Hampshire and the relocation of the proposed main entrance to Hussy Hill Road would be of greater impact to Axe Handle Brook.
3. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
4. The total land disturbance of the proposed project for phase I and II is 38.4 acres. The project consists of developing 126 apartments, 84 row houses, 140 single family and 22 single family age restricted homes, a bed and breakfast, health club, general store and daycare facility on a 150 acre parcel.
5. The applicant has utilized retaining walls and 2:1 side slopes to reduce overall impacts to the wetlands.

6. Existing drainage patterns will remain unchanged as there will be no increase in flow from the proposed development.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction to achieve project purpose per Wt 302.03.
8. The applicant has met the requirements of Wt 304.09(a).
9. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of the remaining wetland ecosystem.
10. The applicant proposes to fill on the abutting lot (PSNH, Tax Map 130, Lot 32).
11. The applicant has provided a copy of the recorded Easement from PSNH, allowing for impacts on their property.
12. The applicant has provided mitigation in accordance with Administrative Rules Chapters Wt 300 and Wt 800. This mitigation specifically entails creation of 49,970 square feet of wetland.
13. The original mitigation proposal to preserve approximately 39 acres of land on the property could not be completed as an easement holder was not retained.
14. The mitigation proposal submitted to DES exceeds the mitigation compensation ratios for wetland creation as required by Rule Wt 803.05, Table Wt 800-1.

2005-02424 HITCHCOCK, RANDY
NORTHWOOD Bow Lake

Requested Action:

Construct a 6 slip seasonal docking facility consisting of three 6 ft by 20 ft seasonal docks attached to a 6 ft by 58 ft seasonal walkway along the shoreline and construct a 30 ft by 30 ft beach with less than 10 cubic yards of sand on an average of 550 ft of frontage on Bow Lake, Northwood.

Conservation Commission/Staff Comments:

Con Com comments the abutters not been notified and they have concerns on what materials are to be used

APPROVE PERMIT:

Construct a 6 slip seasonal docking facility consisting of three 6 ft by 20 ft seasonal docks attached to a 6 ft by 58 ft seasonal walkway along the shoreline and construct a 30 ft by 30 ft beach with less than 10 cubic yards of sand on an average of 550 ft of frontage on Bow Lake, Northwood.

With Conditions:

1. All work shall be in accordance with plans by RSL Layout and Design dated September 29, 2005, revision date February 8, 2006, as received by the Department on February 13, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. This shall be the only structure on this water frontage and all portions of the docking structure shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the docking structure shall extend more than 40 feet from the shoreline at full lake elevation.
8. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
9. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 514.8). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
10. The steps installed for access to the water shall be located completely landward of the normal high water line.
11. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
12. This permit shall be used only once, and does not allow for annual beach replenishment.
13. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.

14. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
15. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a major project per Rule Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 550 feet of frontage along Bow Lake.
3. A maximum of 8 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
4. The proposed docking facility and the existing dock will provide 8 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.12.
5. Public hearing is waived based on field inspection, by NH DES staff, on January 10, 2006, with the finding that the project impacts will not significantly impair the resources of Bow Lake.

-Send to Governor and Executive Council-

2006-00109 HOMECOMING LLC, JOE LAMARKA
NEW CASTLE Piscataqua River

Requested Action:

Construct a 6'x45' permanent fixed pier with a 3'x36' seasonal ramp to a 10' x 240' seasonal float providing two 24' slips on 70' of shoreline frontage on the Piscataqua River.

Conservation Commission/Staff Comments:

The New Caslte Conservation Commission did not comment on the project.

Inspection Date: 02/28/2006 by Eben M Lewis

APPROVE PERMIT:

Construct a 6'x45' permanent fixed pier with a 3'x36' seasonal ramp to a 10' x 240' seasonal float providing two 24' slips on 70' of shoreline frontage on the Piscataqua River.

With Conditions:

1. All work shall be in accordance with plans by Pickering Marine Corporation dated 12/12/05, as received by the Department on 1/17/06.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. DES Wetlands Bureau Coastal staff shall be notified in writing prior to commencement of work and upon completion.
4. This permit shall not be effective until recorded at the Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
5. Work shall be done during low tide.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. The decking of the fixed pier shall have a minimum of 6 ft. clearance from the surface of the tidal marsh and shall have 3/4-inch spacing between the decking planks and the 3-foot ramp shall have a minimum of 3 ft. clearance from the surface of the tidal marsh.
9. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
10. Seasonal docking structures shall be removed for the non-boating season.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetland or bogs.

2. Public hearing is waived based on DES staff field inspection on 02/28/2006, with the finding that the project impacts will not significantly impair the resources of this estuarine wetland ecosystem and that the proposed dock will not impede navigation.
3. This dock is consistent with other tidal dock approvals in the seacoast.
4. The NH PDA Division of Ports and Harbors, per letter dated 3/7/06, reports that this project will have no impact on navigation in the area.
5. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
6. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
7. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c) for tidal projects, Requirements for Application Evaluation, has been considered in the design of the project.
8. The float will remain afloat in the water at all tides and will not rest on the bottom at this location.

-Send to Governor and Executive Council-

MINOR IMPACT PROJECT

2005-01537 STONYFIELD FARM INC
LONDONDERRY Unnamed Wetland

Requested Action:

The applicant requests to permanently fill 845 sq.ft. for sewer installation instead of restoring the area after the crossing is completed.

Conservation Commission/Staff Comments:

DES received comments from the Conservation Commission on July 19, 2005.

APPROVE AMENDMENT:

Amend permit to read:

Dredge and fill 18,027 sq. ft. of forested, scrub-shrub and emergent wetlands for the construction of a 24,970 sq. ft. 1-story milk receiving building addition, a new 2-story 36,800 sq. ft. office and cafeteria building with associated parking, a new sewer line connection, on-site wastewater treatment facility and 2 new detention basin outlet structures. The applicant is providing a donation to the Town of Londonderry Conservation Commission totaling \$75,000 as compensatory mitigation for the project.

With Conditions:

With amended conditions:

1. All work shall be in accordance with plans by TFMORAN Inc., dated June 30, 2005, as received by the Department on July 7, 2005 and amended plans received by the Department on January 25, 2006 and March 14, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Work shall be done during low flow.
5. This permit is contingent on implementation of the recommendations provided and outlined in the Habitat Assessment Report for New England cottontail and Eastern hognose snake, prepared by TFMORAN Inc., dated August 19, 2005, as received by the Department on August 22, 2005 and the recommendation letter prepared by TFMORAN Inc., dated September 20, 2005, as received by the Department on September 21, 2005.

6. The applicant shall provide a report outlining the status of habitat mitigation efforts. The report shall be prepared by a qualified Wildlife Biologist and submitted to the NH Fish & Game Department (NHF&G) and the Department once the habitat mitigation efforts are complete but no later than one year from the permit issuance date. An additional report evaluating the success of the habitat mitigation shall be submitted to NHF&G and the Department three years from the permit issuance date.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Silt fence(s) must be removed once the area is stabilized.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
10. Dredged material shall be placed outside of the jurisdiction of the Department.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
16. Faulty equipment shall be repaired prior to entering jurisdictional areas.
17. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
18. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

Wetland Mitigation:

19. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the permittee. A copy of the registered permit shall be submitted to the Department prior to construction.
20. This permit is contingent on the deposit of \$75,000 to the Town of Londonderry Conservation Commission as a form of compensatory mitigation for impacts to jurisdiction wetlands.
21. The deposit of \$75,000 shall be in accordance with written correspondence dated January 15, 2006, as received by the Department on January 18, 2006.
22. Prior to the start of construction the DES Wetlands Bureau shall be provided with a copy of the deposit slip documenting the transfer of funds to the Town of Londonderry Conservation Commission.

Requested Action:

Construct a new 24970 sq ft building, a new 36800 sq. ft. office and cafeteria building along with parking, sewer and detention ponds

APPROVE PERMIT:

Dredge and fill 18,027 sq. ft. (17,182 sq. ft. permanent impact, 845 sq. ft. temporary impact) of forested, scrub-shrub and emergent wetlands for the construction of a 24,970 sq. ft. 1-story milk receiving building addition, a new 2-story 36,800 sq. ft. office and cafeteria building with associated parking, a new sewer line connection, on-site wastewater treatment facility and 2 new detention basin outlet structures. The applicant is providing wetland impact mitigation of 26,100 sq. ft. of onsite scrub-shrub and emergent wetlands creation.

With Conditions:

1. All work shall be in accordance with plans by TFMORAN Inc., dated June 30, 2005, as received by the Department on July 7, 2005.
2. This permit is contingent on approval by the DES Site Specific Program.

3. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
4. Work shall be done during low flow.
5. This permit is contingent on implementation of the recommendations provided and outlined in the Habitat Assessment Report for New England cottontail and Eastern hognose snake, prepared by TFMORAN Inc., dated August 19, 2005, as received by the Department on August 22, 2005 and the recommendation letter prepared by TFMORAN Inc., dated September 20, 2005, as received by the Department on September 21, 2005.
6. The applicant shall provide a report outlining the status of habitat mitigation efforts. The report shall be prepared by a qualified Wildlife Biologist and submitted to the NH Fish & Game Department (NHF&G) and the Department once the habitat mitigation efforts are complete but no later than one year from the permit issuance date. An additional report evaluating the success of the habitat mitigation shall be submitted to NHF&G and the Department three years from the permit issuance date.
7. The temporary wetland impacts associated with the proposed sewer connection shall be restored in-kind by the end of the first growing season, following the completion of the sewer line connection.
8. The applicant shall submit a report outlining the status of the wetland restoration.
9. The restoration status report shall be included in the wetland mitigation reports and comply with the project specific conditions #29 and #30.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Silt fence(s) must be removed once the area is stabilized.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
13. Dredged material shall be placed outside of the jurisdiction of the Department.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
19. Faulty equipment shall be repaired prior to entering jurisdictional areas.
20. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
21. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

Wetland Mitigation:

22. This permit is contingent upon the creation of 26,100 sq. ft. of scrub-shrub and emergent wetlands in accordance with plans by TFMORAN Inc., dated June 30, 2005, as received by the Department on July 7, 2005.
23. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the permittee. A copy of the registered permit shall be submitted to the Department prior to construction.
24. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
25. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
26. Wetland creation areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the

wetland surface, and changing the hydrologic regime.

27. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Department shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.

28. The permittee shall notify the Department and the local Conservation Commission in writing of their intention to commence construction no less than 5 business days prior to construction.

29. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.

30. Wetland creation areas shall have at least 75% successful establishment of wetlands vegetation after two full growing seasons, following the start of construction, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the Department.

31. The permittee shall delineate the wetlands within the mitigation site, document the delineation with data forms, and depict the delineation as an overlay of the final as-built plans after at least five full growing seasons.

32. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.

33. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Department if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.

34. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Department within 60 days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04 (f).

2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the Department's jurisdiction per Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The Conservation Commission voted not to recommend approval of the application due to "squeezing" wetland mitigation into an already crowded configuration. The Commission would prefer offsite mitigation that would allow the possibility of moving the proposed treatment swale and detention basin further from the wetland. The Commission is concerned that the engineer has not clarified what values the mitigation area will support.

6. On July 21, 2005, the Department received a response letter from the applicant addressing the concerns of the Conservation Commission.

7. Providing onsite mitigation will assure that any potential impacts resulting from the project will be addressed onsite.

8. The Department has not received any opposition comments from abutters.

9. The proposed onsite mitigation will provide wetland habitat for wildlife species currently utilizing the existing wetlands on the property.

10. The applicant has provided onsite mitigation that meets current mitigation ratios for creation of wetlands 1.5:1, in accordance with Administrative Rule Wt 803.05.

11. The applicant has provided a functions and values assessment for each wetland impact area and has provided a summary of these findings and copies of the field evaluation forms with the application.

12. The applicant has proposed mitigation that will compensate for functions and values similar to those wetlands lost to the proposed project.

13. The New Hampshire Fish and Game Department (NHF&G) has identified Eastern hognose snake (*Heterodon platirhinos*) and New England cottontail (*Sylvilagus transitionalis*) in the vicinity of the property.

14. On July 11, 2005, the NHF&G requested that the applicant prepare a habitat assessment for the identified species.

15. The applicant prepared and submitted the requested habitat assessment report, dated August 19, 2005, received by the Department on August 22, 2005.
16. On August 25, 2005, the NHF&G submitted recommendations to the applicant and requested additional project information.
17. On September 20, 2005, the applicant submitted a letter to NHF&G addressing the August 25, 2005 recommendations and requests.
18. On September 22, 2005, DES received correspondence from NHF&G stating they do not oppose the project as long as the recommendations outlined in the applicants letter to NHF&G dated, September 20, 2005 are incorporated into the wetlands permit. Additionally, NHF&G requested that a follow-up mitigation report be submitted when the project is complete or no later than one year.

2005-02121 RAMEY, KRISTINA
ALTON Unnamed Wetland

Requested Action:

Approve name change to: Gary & Sherry Dugas, 14 Leroy Ave, Bradford MA 01835-7311 per request received 3/13/06.

Conservation Commission/Staff Comments:

The conservation commission recommends approval.

APPROVE NAME CHANGE:

Dredge and fill 2189 square feet of palustrine forested wetland including replacement or installation of 3 culverts impacting 75 linear feet of intermittent stream for access to a proposed single family residence.

With Conditions:

1. All work shall be in accordance with plans by Linden Design Associates dated September 7, 2005, as received by the Department on September 12, 2005.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. The boundaries of the wetland buffer shall be clearly marked prior to construction, shall be remain marked until construction is complete and the area is fully stabilized.
5. Work shall be done during periods of non-flow.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(l); Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Wt 303.04(n).
2. The project is necessary to access the buildable uplands on the lot.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.

4. The proposed driveway is within the footprint of an existing farm road.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Alton Conservation Commission recommends approval of the project.
6. The Conservation Commission has concerns relative to the amount of impacts for a single family residence.
7. This subdivision was approved August 2005 by the Alton Planning Board.

2005-02422 F.I.P. EXPANSIONS LLC, JAMES ABERG
FRANKLIN Unnamed Wetland

Requested Action:

Dredge and fill 4620 square feet of palustrine forested wetland for access in the subdivision of 16.871 acres into three industrial lots.

Conservation Commission/Staff Comments:

The Franklin Conservation Commission did not comment on this application.

APPROVE PERMIT:

Dredge and fill 4620 square feet of palustrine forested wetland for access in the subdivision of 16.871 acres into three industrial lots.

With Conditions:

1. All work shall be in accordance with plans by Lapene Engineering and Surveying dated October 4, 2005, and revised through February 2005, as received by the Department on February 16, 2005, and Subdivision Plans dated June 1, 2005, and revised through August 8, 2005, as received by the Department on February 16, 2006.
2. This permit is contingent on approval by the DES Site Specific Program, if one is required.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, NH to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
8. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
9. Work shall be done during low flow.
10. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Silt fencing must be removed once the area is stabilized.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Wt 303.04(f).
2. This is the only access onto the buildable portions of the lot.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2005-02755 CONLEY, DONALD & TRICIA
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Amend permit to change the date on condition #8.

Conservation Commission/Staff Comments:

No Con Com comments by January 13, 2006

The Loon Preservation Committee has submitted comments

NH NHI and NH Fish and Game will not be submitting comments

APPROVE AMENDMENT:

Construct a 6 ft by 39 ft seasonal dock with a 6 ft by 27 ft seasonal dock attached in a "T" configuration providing 3 slips, excavate 340 sq ft to construct a 17 ft by 14 ft perched beach on an average of 176 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

Amend conditions to read:

1. All work shall be in accordance with plans by Folsom Design Group dated October 31, 2005, revision date January 23, 2006, as received by the Department on February 2, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Dredged or excavated material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
6. The property owner shall contact the Loon Preservation Committee to obtain information and guidelines to help ensure the safety and breeding success of loons.
7. The applicant shall submit an evaluation of the docking structure's impact on the Common Loons in this vicinity to the Department, from the Loon Preservation Committee, in 5 years. If the report shows the dock has adversely impacted the nesting Loons in the cove then the dock shall be permanently removed from the waterbody.
8. No construction shall take place between May 30 and July 1 unless written permission is granted by the Loon Preservation Commission. Such permission shall only be valid for the year in which it is issued.
9. Seasonal pier shall be removed from the lake for the non-boating season.
10. No portion of the pier shall extend more than 39 feet from the shoreline at full lake elevation.
11. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
12. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
13. The steps installed for access to the water shall be located completely landward of the normal high water line.

14. No more than 10 cu yd of sand may be used and all sand shall be located above the normal high water line.
15. This permit shall be used only once, and does not allow for annual beach replenishment.
16. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
17. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
18. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
19. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a 3 slip docking structure.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 177 feet of frontage along Lake Winnepesaukee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
7. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.12.

2005-03040

DAVIS III, HOWARD

NEW LONDON Lake Sunapee

Requested Action:

Permanently remove an existing 6 ft by 40 ft seasonal dock and construct a 6 ft by 20 ft permanent dock attached to a 6 ft by 39 ft permanent dock by a 6 ft by 10 ft permanent walkway providing 3 slips with a 12 ft by 22 ft seasonal canopy over a permanent boatlift in the center slip, relocate the existing seasonal boatlift to the northern slip, install two 3 pile ice clusters and one tie off pile on 200 ft of frontage on Lake Sunapee, New London.

Conservation Commission/Staff Comments:

Con Com has not submitted comments by 3/14/06

APPROVE PERMIT:

Permanently remove an existing 6 ft by 40 ft seasonal dock and construct a 6 ft by 20 ft permanent dock attached to a 6 ft by 39 ft permanent dock by a 6 ft by 10 ft permanent walkway providing 3 slips with a 12 ft by 22 ft seasonal canopy over a permanent boatlift in the center slip, relocate the existing seasonal boatlift to the northern slip, install two 3 pile ice clusters and one tie off pile on 200 ft of frontage on Lake Sunapee, New London.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated November 20, 2005, as received by the Department on December 23, 2005.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. Repairs to these structures may be conducted, as necessary, throughout the duration of this permit provided that the permittee notifies the Wetlands Bureau and Conservation Commission, in writing, of the proposed start and completion date prior to performing any repair.
5. Repairs shall maintain existing size, location and configuration.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. This permit does not allow for maintenance dredging.

7. The dock shall not extend more than 39 ft lakeward of full lake identified as Elevation 1094.15.
8. The minimum clear spacing between piles shall be 12 feet.
9. Canopies shall be of seasonal construction type with a flexible fabric cover which shall be removed for the non-boating season.
10. The seasonal boatlift shall be of seasonal construction type which shall be removed for the non-boating season.
11. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a 3 slip permanent pier.
2. The applicant has 200 feet of frontage along Lake Sunapee.
3. A maximum of 3 slips may be permitted on this frontage per Rule Wt 402.12, Frontage Over 75'.
4. The proposed docking facility will provide 3 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Wt 402.12.
5. This site meets the criteria for the construction of a permanent as found in Rule Wt 402.05.

2006-00018 ELLAKONA REALTY LLC, STEPHEN MAIURI MGR
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 8 ft by 5 ft wooden access stairway to the lake and construct a 6 ft by 4 ft stone stairway in the bank, construct two 6 ft by 40 ft seasonal docks connected by a 6 ft by 12 ft seasonal walkway on an average of 153 ft of frontage on Lake Winnepesaukee, Moultonborough.

Conservation Commission/Staff Comments:

Con Com has not submitted comments as of 03/15/06

APPROVE PERMIT:

Permanently remove an existing 8 ft by 5 ft wooden access stairway to the lake and construct a 6 ft by 4 ft stone stairway in the bank, construct two 6 ft by 40 ft seasonal docks connected by a 6 ft by 12 ft seasonal walkway on an average of 153 ft of frontage on Lake Winnepesaukee, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated December 14, 2005, as received by the Department on January 3, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Excavated materials and construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. The stairs shall be located entirely landward of full lake elevation of 504.32.
6. These shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
7. Seasonal piers shall be removed from the lake for the non-boating season.
8. No portion of the piers shall extend more than 40 feet from the shoreline at full lake elevation.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(d), construction of a 3 slip docking system .
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.

2006-00272 COMER, JENNIFER
DEERFIELD Unnamed Wetland Hartford Brook

Requested Action:

Dredge and fill a total of 5,851 square feet of wetlands to construct two driveway crossings to access a single family house lot, including: 3,015 square feet of impact to install a 24" x 39' culvert in a wet meadow; and 2,836 square feet of impact to install a 36" x 60" x 29' open bottom box culvert to cross a perennial stream.

Conservation Commission/Staff Comments:

Conservation Commission did not report.

APPROVE PERMIT:

Dredge and fill a total of 5,851 square feet of wetlands to construct two driveway crossings to access a single family house lot, including: 3,015 square feet of impact to install a 24" x 39' culvert in a wet meadow; and 2,836 square feet of impact to install a 36" x 60" x 29' open bottom box culvert to cross a perennial stream.

With Conditions:

1. All work shall be in accordance with revised plans by RSL Layout and Design, Inc. dated 3/14/2006, as received by the Department on 3/15/2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. This permit is contingent upon receipt and DES approval of stream diversion/ dewatering plan for work at crossing locations which involve perennial streams.
5. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
8. Silt fencing must be removed once the area is stabilized.
9. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
10. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
11. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
12. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
13. Temporary cofferdams shall be entirely removed immediately following construction.
14. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
15. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Proper headwalls shall be constructed within seven days of culvert installation.
19. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
20. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

21. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(h), alteration of less than 20,000 square feet in the aggregate of non-tidal wetlands that exceed minimum impact; and per Administrative Rule Wt 303.03(l), projects that disturb less than 200 linear feet total of the banks and channel of a perennial stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The applicant must cross wetlands in two locations to reach buildable uplands on the lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The applicant has confined the crossings to the narrowest locations.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The applicant has designed an open bottom culvert for the crossing of the perennial stream, which corresponds with the comments of NH Fish & Game Department.

MINIMUM IMPACT PROJECT

**2005-02490 KENNEDY /GODET/HARRIMAN/WAYSTACK, C/O GERALD KENNE
ALTON Lake Winnepesaukee**

Requested Action:

Confirm emergency authorization to remove approximately 165 linear feet of existing undermined retaining wall and replace in kind and in place.

Conservation Commission/Staff Comments:

On 1/27/06 Con Com requested a site visit;

Inspection Date: 01/27/2006 by Jeffrey D Blecharczyk

CONFIRM EMERGENCY AUTHORIZATION:

Remove approximately 165 linear feet of existing undermined retaining wall and replace in kind and in place.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
2. This permit shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Any future permitting may require the wall to be reconstructed to the original configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(c), repair or replacement of existing retaining walls that is performed "in the dry" during drawdown of waters, and that results in no change in height, length, location, or configuration.
2. The project was necessary to stabilize the banks of Lake Winnepesaukee in order to prevent property loss and full failure of the existing retaining wall.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on October 21, 2005.
4. Review of the report submitted pursuant the emergency authorization indicates that work has been satisfactorily completed.

**2005-02586 NH ROUTE 109 REALTY TRUST, MICHAEL MORGAN TTEE
MOULTONBOROUGH**

Requested Action:

Dredge and fill 390 square feet along 50 linear feet of previously disturbed intermittent stream for access to a proposed commercial development.

APPROVE PERMIT:

Dredge and fill 390 square feet along 50 linear feet of previously disturbed intermittent stream for access to a proposed commercial development.

With Conditions:

1. All work shall be in accordance with plans by David M Dolan and Associates dated October 20, 2005 and revised through February 9, 2006, as received by the Department on February 17, 2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. Work shall be done during periods of non-flow.
5. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04
2. The only access onto the lot is to cross the intermittent stream.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The proposed crossing location is in an area of the stream which has been channelized as a roadside drainage ditch.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
6. The applicant has provided a copy of the approved driveway permit from the town of Moultonborough.
7. The applicant has provided a letter of agreement from the abutter on lot Tax map 78, lot 11A indicating their agreement with the proposed impacts.
8. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
9. The Department has received a letter of concern from an abutter indicating apprehension with the proposed treatment of stormwater prior to entering jurisdictional areas. The flow off of the proposed parking area will be treated utilizing the flows from the parking area will be directed to a treatment swale prior to entering jurisdictional areas.
10. The Department has received a letter of concern from an abutter indicating concerns with there are more wetlands on the lot than are being identified on the plans. The lot was delineated by a Certified Wetland Scientist as licensed by the Joint Board.
11. The Department has received a letter of concern from an abutter indicating concerns with the proposed septic system. This permit is contingent upon approval of the Subsurface Systems Bureau.

**2005-03057 PAXTON, BLAINE
WESTMORELAND Unnamed Wetland**

Requested Action:

Dredge and fill 2,750 square feet of palustrine forested wetlands to install two (2), 18-inch x 25-foot culverts at one (1) wetland crossing to construct a driveway for access to a single family building lot.

APPROVE PERMIT:

Dredge and fill 2,750 square feet of palustrine forested wetlands to install two (2), 18-inch x 25-foot culverts at one (1) wetland crossing to construct a driveway for access to a single family building lot.

With Conditions:

1. All work shall be in accordance with plans by Forest Designs dated November 2, 2005, as received by the DES Wetlands Bureau on December 30, 2005.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. All work shall be done during low flow.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
8. Silt fence(s) must be removed once the area is stabilized.
9. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Construction equipment shall be inspected daily for leaking fuel, oil, and hydraulic fluid prior to entering surface waters or wetlands.
12. Faulty equipment shall be repaired prior to entering jurisdictional areas.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The impacts are necessary for the construction of a driveway to access buildable uplands for a single family residence.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the DES Wetlands Bureau's jurisdiction per Wt 302.03. The driveway was configured to cross the wetlands at the narrowest point.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Nongame and Endangered Wildlife Program of the NH Fish and Game Department did not have record of any rare or endangered species near the project area.
6. This permit is contingent on approval by the DES Subsurface Systems Bureau.

Requested Action:

Impact 444 square feet of forested wetland to construct a roadway and cul-de-sac for access to a 6-lot subdivision of 12.091 acres with 6.336 acres designated as open space.

Conservation Commission/Staff Comments:

The Raymond Conservation Commission has no issues with the application/project.

APPROVE PERMIT:

Impact 444 square feet of forested wetland to construct a roadway and cul-de-sac for access to a 6-lot subdivision of 12.091 acres with 6.336 acres designated as open space.

With Conditions:

1. All work shall be in accordance with plans by MJS Engineering, PC dated September 28, 2005 and revised December 7, 2005, as received by the Department on January 9, 2006.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Site Specific Program.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. At least 48 hours prior to the start of construction, a pre-construction meeting shall be held with NHDES Land Resources Management Program staff at the project site or at the DES Office in Concord, N.H. to review the conditions of this wetlands permit and the NHDES Site Specific Permit. It shall be the responsibility of the permittee to schedule the pre-construction meeting, and the meeting shall be attended by the permittee, his/her professional engineer(s), wetlands scientist(s), and the contractor(s) responsible for performing the work.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for any other construction related activities.
7. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #6 of this approval.
8. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
9. Work shall be done during seasonal low flow conditions.
10. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000s square feet of jurisdictional forested wetland.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the impacts are necessary to access buildable uplands.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as the new road will utilize an existing woods road and culvert crossing .
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00300 MCKIEL, DANA
LACONIA Lake Winnepesaukee

Requested Action:

Add a 6 ft by 10 ft extension to a previously approved 6 ft by 40 ft seasonal dock providing for a 6 ft by 50 ft seasonal dock providing two slips on an average of 75 ft of frontage on Lake Winnepesaukee, Laconia.

Conservation Commission/Staff Comments:

Con Com has no comments,

NH NHI and NH Fish and Game will not be submitting comments

APPROVE PERMIT:

Add a 6 ft by 10 ft extension to a previously approved 6 ft by 40 ft seasonal dock providing for a 6 ft by 50 ft seasonal dock providing two slips on an average of 75 ft of frontage on Lake Winnepesaukee, Laconia.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated February 03, 2006, as received by the Department on February 16, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to installation.
3. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
4. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
5. Seasonal pier shall be removed from the lake for the non-boating season.
6. No portion of the pier shall extend more than 50 feet from the shoreline at full lake elevation.
7. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(a), construction of a dock.

FORESTRY NOTIFICATION

2006-00479 WHITNEY, JOHN
ALTON Unnamed Stream

COMPLETE NOTIFICATION:

Alton Tax Map 60, Lot# 4 & 7

2006-00480 BROOKS, STEPHEN
RINDGE Unnamed Stream

COMPLETE NOTIFICATION:

Rindge Tax map 7, Lot# 50-3

2006-00482 LAROCQUE, DALE & BRENDA
RINDGE Unnamed Stream

COMPLETE NOTIFICATION:
Rindge Tax Map 7, Lot# 50-2

2006-00489 GREEN ACRES WOODLANDS INC
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton Tax Map 36, Lot# 17

2006-00490 CERNOTA, ARTHUR
HANCOCK Unnamed Stream

COMPLETE NOTIFICATION:
Hancock Tax Map R9, Lot# 76 & 82

2006-00491 STAPLES, BARBARA
PLYMOUTH Unnamed Stream

COMPLETE NOTIFICATION:
Plymouth Tax Map 9, Lot# 3

2006-00493 CANDIA, TOWN OF
CANDIA Unnamed Stream

COMPLETE NOTIFICATION:
Candia Tax Map 410, Lot# 161, 162 & 162-1

2006-00512 CAVANAUGH, JOSEPH
LITTLETON Unnamed Stream

COMPLETE NOTIFICATION:
Littleton Tax Map 65, Lot# 33

2006-00513 BRIGGS, JEAN
DALTON Unnamed Stream

COMPLETE NOTIFICATION:
Dalton Tax Map 409, Lot# 81

2006-00514 DWYER, ROBERT & CAROLYN
GOFFSTOWN Unnamed Stream

COMPLETE NOTIFICATION:
Goffstown Tax Map 10, Lot# 2-1

EXPEDITED MINIMUM

2005-00847 COLD POND COMMUNITY LAND TRUST
ACWORTH Unnamed Pond

Requested Action:

Maintenance dredge 2,600 square feet of existing pond, repair the embankment to ensure safe passage of livestock and to prevent further erosion and siltation.

Conservation Commission/Staff Comments:

The Acworth Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Maintenance dredge 2,600 square feet of existing pond, repair the embankment to ensure safe passage of livestock and to prevent further erosion and siltation.

With Conditions:

1. All work shall be in accordance with plans by Land For Good, Inc. revised October 20, 2005, as received by the Department on October 21, 2005.
2. DES staff shall be notified in writing prior to commencement of work and upon its completion.
3. Work shall be conducted during (seasonal)low flow conditions, and during drawdown where practicable.
4. Appropriate erosion, siltation and turbidity controls shall be installed prior to construction, shall be maintained during construction, and shall remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Machinery shall not be located within surface waters, where practicable.
6. Machinery shall be staged and refueled in upland areas.
7. Dredged spoils shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Stockpiled dredged material shall be dewatered in upland areas to sedimentation basins lined with erosion and siltation controls to prevent water quality degradation. Dewatering areas must be located at least 20 feet away from jurisdictional areas.
9. Work shall not cause violations (sedimentation and turbidity) of surface water quality standards, in accordance with Env-Ws 1700.
10. Within three calendar days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. This permit authorizes one-time maintenance dredge work. This permit does not allow for annual or periodic maintenance work.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(k) Maintenance dredging, when necessary to provide continued usefulness of nontidal drainage ditches, man-made ponds, and spillways.
2. Per Wt 302.01, the need for the proposed impacts has been demonstrated by the applicant, as the embankment and pond are in disrepair.
3. Per Wt 302.03, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction, as this project will stabilize the banks of the pond and

embankment to prevent further erosion and siltation.

4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00121 MILLER, PETER/SUSAN
EAST WAKEFIELD Pine River Pond

Requested Action:

Construct a 850 sqft perched beach with not more than 10 cubic yards of sand on Pine River Pond, Wakefield.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 850 sqft perched beach with not more than 10 cubic yards of sand on Pine River Pond, Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Land Technical Service dated December 2005, as received by the Department on January 19, 2006.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 584). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(d), construction of a beach.

2006-00251 MANCHESTER HIGHWAY DEPT
MANCHESTER Unnamed Wetland

Conservation Commission/Staff Comments:

1. The Conservation Commission signed the expedited application.
2. The New Hampshire Fish & Game Department did not submit comments.

APPROVE PERMIT:

Temporarily impact approximately 185 square feet of wetlands to upgrade an existing sewer line as part of the City of Manchester's Combined Sewer Overflow (CSO) separation efforts. Work to include replacement of approximately 450 linear feet of an existing 10-inch diameter sewer line with a new 15-inch diameter sewer line. The temporary wetland impacts will be restored to pre-impact conditions.

With Conditions:

1. All work shall be in accordance with plans by Metcalf & Eddy, Inc., dated December 2005, as received by the Department on

February 6, 2006.

2. The City of Manchester shall obtain temporary construction easements from affected landowners for any wetland impacts outside of the existing sewer easement or City of Manchester property. If temporary construction easements are required copies of the recorded easements shall be submitted to DES Wetlands File No. 2006-00251 prior to construction.
3. Work shall be done during low flow or low groundwater conditions.
4. Construction equipment shall work from upland and temporary impact areas.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. Temporary wetland impact areas shall be regraded to original contours following completion of work.
10. Wetland impact areas shall be replanted with native wetland plant species.
11. A post-construction report documenting the status of the wetland restoration area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
12. The wetland restoration areas shall have at least 75% successful establishment of wetlands vegetation after one (1) growing season, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require further permitting by the Bureau.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.
Faulty equipment shall be repaired prior to entering the construction area.
16. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The New Hampshire Fish and Game Department did not submit comments regarding the proposed project.
6. The Conservation Commission signed the expedited application certifying that it waives its right to intervene, the application and plans accurately represent the proposed project and that it has no objection to permitting the proposed work.

2006-00281 D.W.P. REAL ESTATE MANAGEMENT LLC
WHITEFIELD Unnamed Stream

Requested Action:

Dredge and fill 80 square feet of wetlands along approximately 50 linear feet of intermittent stream to install a 18-inch x 50-foot culvert and manhole to construct railroad shipment access.

APPROVE PERMIT:

Dredge and fill 80 square feet of wetlands along approximately 50 linear feet of intermittent stream to install a 18-inch x 50-foot culvert and manhole to construct railroad shipment access.

With Conditions:

1. All work shall be in accordance with plans by Presby Environmental, Inc. dated January 31, 2006, as received by the Department on February 13, 2006.
2. Work shall be done during low flow.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Proper headwalls shall be constructed within seven days of culvert installation.
7. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(n), alteration of less than 50 linear feet of an intermittent stream.
2. The NHDOT Bureau of Rail & Transit approval of the proposed project was granted in a letter to David Presby, of Presby Environmental dated February 07, 2006, as received by the Department on February 13, 2006.
3. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
4. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00285 ZZZ ASSOCIATES INC
GILFORD Roadside Ditch

Requested Action:

Temporarily impact 100 square feet of palustrine emergent wetland to extend an existing municipal waterline to a proposed senior housing project.

Conservation Commission/Staff Comments:

The conservation commission signed this minimum impact application.

APPROVE PERMIT:

Temporarily impact 100 square feet of palustrine emergent wetland to extend an existing municipal waterline to a proposed senior housing project.

With Conditions:

1. All work shall be in accordance with plans by Steven J Smith and Associates Inc dated February 3, 2006, and revised through February 6, 2006, as received by the Department on February 14, 2006.
2. This permit is contingent on approval by the DES Site Specific Program.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized.
5. Area of temporary impact shall be regraded to original contours following completion of work.
6. Mulch within the restoration area shall be straw.

7. Seed mix within the restoration area shall be a wetland seed mix appropriate to the area and shall be applied in accordance with manufacturers specifications. The receipt and contents of the wetland mix shall be supplied to NHDES within 10 days of application.
8. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
10. A post-construction report documenting the status of the restored jurisdictional area, including photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), projects involving alteration of less than 3,000 square feet in swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2006-00286 HOLCOMBE, JEFFREY & DAWN
SUNAPEE Mountainview Lake

Requested Action:

Replace an existing 25 ft retaining wall on 49 ft of frontage on Mountainview Lake, Sunapee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Replace an existing 25 ft retaining wall on 49 ft of frontage on Mountainview Lake, Sunapee.

With Conditions:

1. All work shall be in accordance with plans as received by the Department on February 14, 2006.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Repair shall maintain existing size, location and configuration.
7. Work shall be done during drawdown.
8. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00289 HAMEK ASSOCIATES, FRANCIS PRATT
MOULTONBOROUGH Squam Lake

Requested Action:

Repair an existing 7 ft 5 in by 19 ft 10 in permanent dock supported by a 7 ft by 5 ft crib providing two boatslips, with no work proposed to the existing 7 ft by 29 ft 2 in permanent dock, on an average of 562 ft of frontage on Squam Lake, Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 7 ft 5 in by 19 ft 10 in permanent dock supported by a 7 ft by 5 ft crib providing two boatslips, with no work proposed to the existing 7 ft by 29 ft 2 in permanent dock, on an average of 562 ft of frontage on Squam Lake, Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Folsom Design Group dated February 8, 2006, as received by the Department on February 16, 2006.
2. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau prior to construction.
3. Repair shall maintain existing size, location and configuration.
4. This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
6. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
7. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
8. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B (see attached fact sheet).

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00331 BLANCHETTE, GARY
BARRINGTON Unnamed Wetland

Requested Action:

Dredge and fill 170 square feet of wetlands to install a 24" x 24' culvert for a driveway crossing to a single family house lot in a 4-lot subdivision.

Conservation Commission/Staff Comments:

Conservation Commission signed expedited application.

APPROVE PERMIT:

Dredge and fill 170 square feet of wetlands to install a 24" x 24' culvert for a driveway crossing to a single family house lot in a 4-lot subdivision.

With Conditions:

1. All work shall be in accordance with plans by Pohopek Land Surveyors & Septic Design, LLC dated 1/30/2006, as received by the Department on 2/17/2006.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
4. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
5. The deed which accompanies the sales transaction for each of the lots in this subdivision shall contain condition #4 of this approval.
6. This permit shall not be effective until it has been recorded with the Registry of Deeds Office by the Permittee. A copy of the registered permit shall be submitted to the DES Wetlands Bureau.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding and nesting areas shall be avoided.
10. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
11. No fill shall be done for lot development.
12. No fill shall take place in Atlantic white cedar swamps.
13. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(f), alteration of less than 3,000 square feet of swamps or wet meadows.
 2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. The building envelope of this lot cannot have its own access without a wetlands crossing.
 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The project is for a 12' wide driveway with only 170 square feet of impact.
 4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
- This project is not adjacent to Barrington designated prime wetlands.

GOLD DREDGE

2006-00467 THOMPSON, WILLIAM
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath Con Comm

APPROVE PERMIT:
Gold Dredge

TRAILS NOTIFICATION

2006-00372 FELDER KUEHL PROPERTIES LLC, ROBERT FELDER
EXETER Unnamed Stream Wetlands

COMPLETE NOTIFICATION:

Exeter Tax Map 55 / 75 & 76 & 63 / 100 & 101

LAKES-SEASONAL DOCK NOTIF

2006-00468 BINGHAM, GORDON
NEW LONDON Unnamed Wetland Messer Pond

COMPLETE NOTIFICATION:

Seasonal Dock - New London NH Map Tax#105-002-000 Lot# 14 Messer Pond

2006-00497 WILKINS, BOBBY
LACONIA Unnamed Wetland Winnisquam Lake

COMPLETE NOTIFICATION:

Seasonal Dock - Laconia NH Tax Map#403

Lot#4 Block#199 Winnisquam Lake

SHORELAND VARIANCE / WAIV

2005-01395 CLIFFORD, DONALD
NEWBURY Lake Todd

Requested Action:

Replace existing nonconforming primary structure, increase the ridgeline height from 18.5 ft to 28 ft, including dormers, with no expansion to the existing footprint, and increase the primary building setback to the reference line from 27 ft to 28 ft.

Inspection Date: 08/17/2005 by Chris T Brison

APPROVE CSPA WAIVER:

Replace existing nonconforming primary structure, increase the ridgeline height from 18.5 ft to 28 ft, including dormers, with no expansion to the existing footprint, and increase the primary building setback to the reference line from 27 ft to 28 ft.

With Conditions:

1. All work shall be conducted in accordance with plans as received by the department on February 23, 2006.
2. This approval shall not be effective until it has been recorded at the appropriate County Registry of Deeds and a copy of the

- recorded waiver is sent to the department and a copy is posted on site in a location visible to inspecting personnel.
3. Unnecessary removal of vegetation within the shoreland during construction shall be prohibited.
 4. All planted vegetation shall be native and consistent with surrounding natural vegetation on the property and surrounding properties. Planting invasive or exotic species is strictly prohibited.
 5. This approval does not allow lakeward expansion of the primary structure.
 6. Prior to inhabiting proposed primary structure, the structure shall tie into the proposed new and improved septic system.
 7. No open deck or porch constructed shall extend more than 12 feet towards the reference line.
 8. The contractor/owner responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
 9. A copy of this waiver shall be posted on site during construction in a prominent location visible to inspecting personnel.
 10. This waiver does not exempt the owner from obtaining any other necessary local, state or federal permits or approvals.
 11. The owner shall maintain compliance with all other requirements of the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. The existing non-conforming residence is located within the 50 ft primary building setback to Lake Todd and therefore fails to conform to the setback restriction set forth in RSA 483-B:9, II, of the CSPA.
2. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming." More nearly conforming "means a proposal for significant changes to the location or size of the existing structures that bring the structures into greater conformity, or a proposal for changes to other aspects of the property, including but not limited to stormwater management, wastewater treatment or traffic volume or flow, or both types of proposal which significantly improve wildlife habitat or resource protection."
3. The Subsurface Systems Bureau has approved the system for the property on May 19, 2005, in accordance with approval number CA2005072099.
4. The applicant has proposed to move and replace the septic system with a new and improved septic system from 50 ft to 190 ft from the reference line, install storm water diversions, increase the primary building setback from 27 ft to 28 ft from the reference line, and therefore meets the requirements for a waiver to RSA 483-B:9 as described in RSA 483-B: 11, I.

PERMIT BY NOTIFICATION

2006-00346 BUSWELL, MARY
FREEDOM Ossipee Lake

Requested Action:

Rebuild 46 linear feet (x 3') of existing interlocking block wall located above beach area; redistribute existing sand below wall in area 20' x 5' (above normal high water line); total area of both work elements is 238 square feet.

Conservation Commission/Staff Comments:

Conservation Commission signed PBN.

PBN IS COMPLETE:

Rebuild 46 linear feet (x 3') of existing interlocking block wall located above beach area; redistribute existing sand below wall in area 20' x 5' (above normal high water line); total area of both work elements is 238 square feet.

2006-00428 WADE III, JOHN
MEREDITH Lake Winnepesaukee

Requested Action:

Replace/Repair existing retaining wall in-kind.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00430 ELSMORE, MARILYN
MEREDITH Lake Winnepesaukee

Requested Action:

Repair/Replace existing retaining wall in-kind.

PBN IS COMPLETE:

Repair/Replace existing retaining wall in-kind.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00451 HALL, SCOTT
MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair boathouse and connecting walkway.

Conservation Commission/Staff Comments:

LPC hit

PBN completed with added condition as per RSA 212-A

PBN DISQUALIFIED:

repair boathouse and connecting walkway.

With Findings:

1. In accordance with Administrative Rule Wt 303.02(k) Projects in a wetland that have been identified by Natural Heritage Inventory Department of Resources and Economic Development as an exemplary natural community, and/or that has documented occurrences of state or federally listed Endangered or Threatened species.

2006-00453 SMITH, WARREN & MONICA
GILFORD Lake Winnepesaukee

Requested Action:

Install a seasonal boat lift.

PBN IS COMPLETE:

Install a seasonal boat lift.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(ac) installation of a seasonal boatlift.

2006-00457 PURDY, ROBERT & SUSAN PELOSI
WOLFEBORO Lake Winnepesaukee

Requested Action:

Repair/Replace retaining wall and permanent docking facilities.

PBN IS COMPLETE:

Repair/Replace retaining wall and permanent docking facilities.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00475 PATERNO, JOSEPH
GILFORD Lake Winnepesaukee

Requested Action:

Repair/Replace existing docking facility in-kind.

PBN IS COMPLETE:

Repair/Replace existing docking facility in-kind.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00476 KILAR, SANDRA
NORTHWOOD Northwood Lake

Requested Action:

Install a seasonal boatlift in existing boatslip.

PBN IS COMPLETE:

Install a seasonal boatlift in existing boatslip.

With Findings:

1. This is a minimum impact project per Administrative Rule Wt 303.04(ac), installation of a seasonal boatlift in an existing legally boatslip.

2006-00477 OCONNOR, BERT, WILLIAM & B HEWITT
LACONIA Lake Winnepesaukee

Requested Action:

Repair/Replace existing retaining wall, 146 ft piling dock, two ice clusters, on fender piling, and install one seasonal boatlift and two seasonal PWC lifts on 150 ft of frontage in Laconia on Lake Winnepesaukee.

PBN IS COMPLETE:

Repair/Replace existing retaining wall, 146 ft piling dock, two ice clusters, on fender piling, and install one seasonal boatlift and two seasonal PWC lifts on 150 ft of frontage in Laconia on Lake Winnepesaukee.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.

2006-00478 LACASSE, PHIL
ALTON Lake Winnepesaukee

Requested Action:

Repair/Replace existing "U-shaped" docking facility consisting of two 7 ft x 30 ft permanent crib supported piers, install a seasonal boatlift in the middle boat slip, and install two seasonal PWC lifts on 103 ft of frontage in Alton on Lake Winnepesaukee.

PBN IS COMPLETE:

Repair/Replace existing "U-shaped" docking facility consisting of two 7 ft x 30 ft permanent crib supported piers, install a seasonal boatlift in the middle boat slip, and install two seasonal PWC lifts on 103 ft of frontage in Alton on Lake Winnepesaukee.

With Findings:

1. This project is classified as a minimum impact project per Rule Wt 303.04(v), repair of existing structures with no change in size, location or configuration.